

1905-014 Chancery Causes: Exr. of Jacob B. Olinger vs. Admr. of George Phillips "C"  
Lee Co.

Ball

CA-Debt

T-Property



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining your orator M. V. Olinger, Executor of the last will and testament of Jacob B. Olinger, deceased, would respectfully represent and show unto your honor, that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, your orator's testator Jacob B. Olinger in his life time sold unto one Geo. Philipps a lot or parcel of land, situated and being in the town of Olinger, Va., and known and described on the plat of said town as lot No. 4 in block No. 7, and near Powells River, said lot being 40 by 145 feet, for the sum of \$75.00 for which the said Geo. Philipps executed to the said Jacob B. Olinger, his three several notes for \$25.00 each, due in one, two and three years time respectively, with interest from date, and the said Jacob B. Olinger, executed to the said Geo. Philipps his title bond <sup>a</sup> deed to said lot. The said Geo. Philipps took possession of said lot, but afterwards, to-wit, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the said Geo. Philipps departed this life, leaving a widow Sarah J. Philipps, and four children, to-wit: Thomas Philipps, Estell Philipps William Philipps, and Luna Philipps. his children and heirs at law, and the said Geo. Philipps never paid to the said Jacob B. Olinger, or to your orator, any part of the said purchase money, but the same still remains due and unpaid. The said three notes passed into the hands of your orator as part of the estate of the said Jacob B. Olinger, deceased, and your orator is informed and therefore alleges that the said notes constitute a first lien upon the said lot of land, and that he has a right to come into a court of equity to have said lien enforced. The said notes were ~~place~~ placed into the hands of J. C. Noel attorney for collection, but before suit was instituted ~~for~~ the same, said Noel in same way has lost or misplaced said notes, so that the same can not be found. The estate of said Geo. Philipps has recently been committed by the clerk of this county to P. M. Ball, Sheriff of this County for administration.

The prayer, therefore, of your orator is, that the said



Sarah J. Philipps, Thomas Philipps, Estell Philipps, William Philipps, Luna Philipps, and the said P. M. Ball, administrator as aforesaid, be made parties defendants to this bill, and required to answer the same, the said children and heirs at law of the said Geo. Philipps by a guardian ad litem appointed for them, they all being under the age of twenty-one years ~~of age~~. The said answers need not be under oath, answer under oath being expressly waived; and that upon a hearing a judgment be decreed and entered in favor of your orator against the said administrator for the amount of said notes with interest thereon, and the cost of this suit, and that the same be decreed a first lien upon the said lot and that the said lot be sold for the payment of the said purchase money, and cost, there being no personal property in the hands of the said administrator as your orator is informed. And that all <sup>such</sup> other, further and general relief be granted your orator as in the premises may be just and right, and he will ever pray &c.

Chas. A. Ball, Jr.



M. V. Olinger. Exr.

vs Bill in Chancery.

P. M. Ball Schurr & et al.

~~1st May 1905~~  
1905 Bill filed Spar. ex-  
ecuted as to P. M. Ball  
and Sarah J. Phipps  
& D. R. as to Film and  
Ans. of infant Dylis  
filed

" 2nd May Rules  
D. R. Confirmed &  
Cause set for hearing

Costs

Clerk	\$7.05 -
Shff	1.50
Atty	5.00
G. A. L.	5.00
Dut	1.50 Pd.
	<hr/>
	\$20.05 -



In the Circuit Court for the County of Lee  
to-wit:

THE ANSWER OF Thomas, Phillips, Estelle Phillips  
Mrs Phillips Ed Lena Phillips

infants under the age of twenty-one years, by M. G. Ely,  
guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by M. V. Olinger Executor etc and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian ad litem, say that they are infants of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of their rights and interests, They, therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to their prejudice.

And having answered, the respondent pray to be hence dismissed with  
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian ad litem.

p. d.

County of Lee } ss.

This day, M. G. Ely, whose name is signed to  
the foregoing answer, personally appeared before me, H. C. T. Ewing Clerk  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 28 day of April 1905

H. C. T. Ewing, Clerk.  
By M. G. Ely D.C.



*P. M. Ball, Admors. etc*

*. adv.*

}

ANSWER  
OF  
INFANT DEFENDANT.

*Mr. V. Olinger, Executor,*

*Filed 1<sup>st</sup> May Rules 1905.  
H. C. Hewing, ex.*

*Gr. Letm Dec. \$500*



M.V. Olinger Executor of Jacob B. Olinger, decd.

Plaintiff.

vs.

In Chancery.

P. M. Ball, Admr. &c. et al/

Defendants.

This cause came on again to be heard upon the papers ~~formerly~~ read in the cause, and the report of J. C. Noel, Commissioner, this day filed in the cause, and the deed therewith to M. H. Johnson, purchaser of the lot sold by said commissioner to said Johnson, and was argued by counsel.

On consideration thereof, and the said report being unexcepted to, it is adjudged, ordered and decreed that the said report and the deed therewith be and the same are hereby confirmed, ~~And that~~ said Johnson has leave to withdraw said deed from the papers of this suit for recordation; and that he pay to the said Noel \$5.00 his fee for making said deed, for which execution may issue, and the cause is continued.



M. V. Dinger Ex R.

Decree Confirmand  
Dec.

P. M. Ball Shur et al

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Entered in C. B.

No 8 page 103

Enter this decree  
H. A. W. Stone  
Decr 14<sup>th</sup> 1905.



M. V. Olinger, Executor of Jacob B. Olinger, dec'd.

Plff.

vs.

In Chancery.

P. M. Ball, Admr. & c. ~~For~~ Geo. Phillipps,

Deft.

This cause came on again to be heard upon the papers formerly read in the cause and the report of J. C. Noel, filed in this cause, December 1st, 1905/ and was argued by counsel.

On consideration thereof and the said report being unexpected to it is adjudged, ordered and decreed that the said report and the sale therein reported be and the same are hereby confirmed. And that J. C. Noel, Commissioner, pay out of the funds in his hands the cost of this suit after retaining his commission on sale, and the residue of said funds, if any, after payment of the cost and commission on sale, he will pay to the plaintiff, and that said Noel who is appointed a commissioner for the purpose do convey with covenants of special warranty only unto the said M. H. Johnson, purchaser of the said lot sold by said commissioner in this cause, and report his action hereunder and said deed to some future day of the present term until which time the said cause is continued.



M. D. Oliver Exr.

vs Deere 102

J. M. Ball, Surve  
et al

Entered in C. B.

No 8 page 92vc

Enter this decree

H. A. W. S. I. C. W.

Dec 12 1905.



VIRGINIA,

At a Circuit Court continued and held for Lee County, at the Court-house thereof on Thursday the 18th day of May, 1905.

M. V. Olinger, Executor of Jacob B. Olinger,  
deceased

Plff.

vs. In Chancery

P. M. Ball, Administrator of Geo. Phillips  
deceased, Sarah J. Phillips, Thomas

Phillips, Estell Phillips and Luna Phillips

Defts.

This cause came on to be heard upon the bill of the plaintiff, the answer of the said Thomas, Estell, William and Luna Phillips, by M. G. Ely, their Guardian ad Litem, and replication thereto, and the cause regularly matured at rules and set for hearing by the plaintiff and was argued by counsel, and the defendants, P. M. Ball, Admr. and Sarah J. Phillips, failing to appear and plead or answer, the bill is taken for confessed as to them.

On consideration, thereof, and it appearing to the Court that the said George Phillips was indebted to the said Jacob B. Olinger, in his life time in the sum of \$75.00, with interest thereon from the 1st day of January 1895, for purchase money for lot no. 4 in Block no. 7, near Powell's River in the Town of Olinger, Virginia. Said lot being 41 by 145 feet, it is adjudged, ordered and decreed that the plaintiff recover against the defendant, P. M. Ball, Admr of Geo. Phillips, deceased, the said sum of \$75.00, with interest thereon from the 1st day of January, 1895 until paid, and the cost of this suit to be paid out of the assets of the said George Phillips, deceased, in the hands of the said Administrator, unadministered, and which is adjudged, to be a first lien upon said lots, and unless the same is paid within thirty days from the adjournment of this Court, then J. C. Noel, who is appointed a Commissioner for that purpose, will proceed to sell at the town of Olinger, Va., the said lot of land, on a credit of one and two years time, except as to the cost of this suit and expenses of sale, which, will be required to be paid in hand, and for the deferred payments, he will take bonds with good security to himself as Commissioner bearing



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interest from date. Said Commissioner , before selling will advertise the time, terms and place of sale for at least thirty days by written advertisements posted at the front door of the Court-house and in the vicinity of the said property, and will execute bond before the Clerk of this County in the penalty of \$100.00, conditioned according to law, and he will report his action hereunder to the next term of the Court, and the cause is continued.

A Copy-Teste: A. H. T. Caring Clerk.



M. V. Clinger, Exer.  
vs. Heere  
P. M. Ball Admiral

Copy  
executed by Reliance  
th. With in Decree  
to J. C. Noel,  
M. D. Denny  
H. S. for P. M. Ball  
S. L. C.

Clerk 50¢



M. V. Olinger, Executor of Jacob B. Olinger, deceased, Plaintiff.  
vs.

P. M. Ball, administrator of Geo. Philipps, deceased,  
Sarah J. Philipps, Thomas Philipps, Estell Philipps,  
Wm. Philipps, and Luna Philipps.

Defendants.

*In chancery.*

This cause came on to be heard upon the bill of the plaintiff, the answers of the said Thomas, Estell, William and Luna Philipps, by M. G. Ely, their Guardian Ad Litem, and replication thereto, and the cause regularly matured at rules and set for hearing by the plaintiff, and was argued by counsel, and the defendant P. M. Ball, Admr. and Sarah J. Philipps, failing to appear, and plead or answer, the bill is taken for confessed as to them.

On consideration thereof and it appearing to the court that the said Goerge Philipps was indebted to the said Jacob B. Olinger in his life time in the sum of \$75.00, with interest thereon from the 1st day of January, 1895, for purchase money for lot No. 4 in block No. 7, near Powell's River in the town of Olinger, Virginia. Said lot being 41 by 145 feet, it is adjudged, ordered and decreed that the plaintiff recover against the defendants P. M. Ball, admr. of Goe. Philipps, deceased, the said sum of \$75.00, with interest thereon from the 1st day of January, 1895, until paid, and the cost of this suit to be paid out of the assess of the said George Philipps, deceased, in the hands of said administrator, unadministered, and which is adjudged to be a first lien upon said lots, and unless the same is paid within thirty days from the adjournment of this court, then J. C. Noel, who is appointed a commissioner for that purpose, will ~~will~~ proceed to sell at the town of Olinger Va., the said lot of land, on a credit of one and two years time, except as to the cost of this suit, and expense of sale, which will be required to be paid in hand, and for the deferred payments he will take bonds with good security to himself as commis-



sioner, bearing interest from date. Said commissioner before selling will advertise the time, terms and place of sale for at least thirty days by written advertisements, posted at the front door of the court-house and in the vicinity of the <sup>said</sup> property, and will execute bond before the clerk of this County in the penalty of \$100.00, conditioned according to law, and he will report his action hereunder to the next term of the court, and the cause is continued.



M. J. Olinger Ex<sup>re</sup>.

vs Deere to 1.

P. M. Ball. Idung<sup>re</sup>  
H. al.

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Entered in C. B.

No-8 p 33 re-

Enter this decree.

H. al. 18  
May 18/905-



~~11~~

M. V. Olinger, Executor of Jacob B. Olinger, decd.

Plaintiff.

vs.

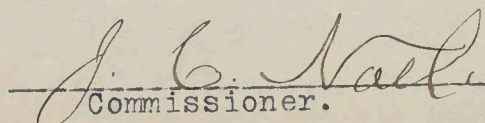
In Chancery.

P. M. Ball, Admr. &c. et al,

Defendants.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court  
for Lee County Virginia.

The undersigned commissioner in this cause respectfully  
reports that pursuant to the decree entered therein December, 12th,  
1905, he has made and acknowledged a deed with covenants of special  
warranty to M. H. Johnson for the lot sold by said commissioner to said  
Johnson in this cause, conveying to him the said lot, which deed is  
herewith filed marked "Deed".

  
Commissioner.



M. V. Thayer Ex vs.

vs { Comrs Report of  
Deed.

P. M. Ball Shurt & at

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Filed Decr 14<sup>th</sup> 1905.  
J. H. T. Ewing, clk.



M. V. Olinger, Executor &c.

Plaintiff.

vs.

In Chancery

P. M. Ball, Admr. &c. et al,

Defendants.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for  
Lee County, Virginia:

The undersigned was appointed by a decreedal order entered at the May term of your honors court, 1905, in the above chancery cause a special commissioner to sell lot No. 4 in block No. 7 near Powell's River in the Town of Olinger, Virginia, said lot being 41 X 145 feet, and being the same lot in the proceedings and decree in said cause mentioned, and pursuant to said decree your commissioner on the 29th day of October, 1905, after advertising as in said decree directed, proceeded to sell in the Town of Olinger the said lot of land on the terms prescribed in said decree, when M. H. Johnson being the highest and best bidder became the purchaser of said lot at the price of \$36.00, and although the decree directed the sale on time after payment of cost, &c. the said purchaser paid down to your commissioner the said purchase money, which purchase money he has in his hands subject to your honor's order.

J. C. Hock  
COMMISSIONER



M. V. Oliger Exr.  
vs Report of Sale.  
P. M. Ball Schuyr &c.  
et al.

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Filed Dec 11 1905.  
J. H. Ewing Clk.

36  
21.85  
14.15  
16.32  
\$30.47